

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF TEXAS,

Defendant.

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Civil No. 1:21-cv-796

EXHIBIT 12

Declaration of Patrice Rachel Torres

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF TEXAS,

Defendant.

Case No. 1:21-cv-796

DECLARATION OF PATRICE RACHEL TORRES

I, Patrice Rachel Torres, make the following declaration pursuant to 28 U.S.C. § 1746 to the best of my knowledge and belief.

1. I am currently the Administrator of the Office of Job Corps (OJC), Employment and Training Administration (ETA), United States Department of Labor (DOL). I have served in this position since April 2021. In my capacity as Administrator, I am responsible for providing executive management and oversight of the Job Corps program. Prior to this position, from 2004 until March 2021, I served in several leadership positions within DOL, including Job Corps Budget Director and Associate Administrator with the Wage and Hour Division.
2. My testimony in this declaration is based upon my personal knowledge of the Job Corps Program and information provided to me in my official capacity. I submit this declaration in support of the United States' Emergency Motion for a Temporary Restraining Order or Preliminary Injunction in the above-captioned matter.

The Job Corps Program

3. Job Corps is a primarily residential career and education training program authorized under Subtitle C of Title I of the Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3191, et. seq.
4. The program assists eligible individuals ages 16 through 24 to complete their high school education and provides vocational training designed to help program graduates enter the workforce or an apprenticeship, go on to higher education, or join the military.
5. Job Corps centers are residential facilities that provide enrollees room and board for up to three years, basic health care, a living allowance, certain transportation benefits, and career transition assistance. Job Corps center operators also offer academic instruction and skills training, work-based learning experience, and residential support services.
6. Since it was first established, Job Corps has trained and educated over two million individuals. Job Corps is the largest residential, educational, and career technical training program in the nation.
7. There are 123 Job Corps centers nationwide, with at least one Job Corps center in each of the 50 states, the District of Columbia, and Puerto Rico.
8. Ninety-nine centers are operated by private entities under a contract with DOL while 24 are operated by the United States Department of Agriculture's (USDA's) Forest Service under an interagency agreement with DOL (USDA-DOL IAA). DOL's Office of the Senior Procurement Executive, Job Corps Acquisition Services ("JCAS") awards and administers all Job Corps center operations contracts.
9. Program Managers and Contracting Officer Representatives ("CORs") in DOL's Office of Job Corps ("OJC") work alongside JCAS Contracting Officers ("CO") to oversee contractor performance and contract compliance. A JCAS CO works alongside CORs in DOL's Dallas,

Texas regional office to award, administer, and oversee performance of 16 Job Corps center operations contracts that are under the purview of the Dallas region, which covers parts of the South and the Midwest, including those centers in Texas.

Pregnancy-Related Services Through the Job Corps Program

10. While enrolled, Job Corps participants receive tuition-free housing, meals, a living allowance, and career transition assistance after they have completed the program. DOL regulations require Job Corps to provide access to basic medical, dental, and mental health care services during the program. 20 C.F.R. § 686.530(d).
11. Job Corps' Policy and Requirements Handbook (June 15, 2021) (PRH), available at <https://prh.jobcorps.gov/Pages/Home.aspx>, contains the requirements for the operation of each Job Corps center. These requirements are incorporated by reference into every contract for contractor-operated centers and into the USDA-DOL IAA for the operation of U.S. Forest Service centers.
12. The PRH requires centers to provide basic health services, to include a family planning program and pregnancy-related services. PRH § 2.3 R.7. It further requires that centers afford students who are pregnant and/or experiencing pregnancy-related medical conditions "the same access to medical services, leave, and medical separation as any other student experiencing a medical condition." *Id.* § 2.3 R.7(b). Centers are required to provide pregnancy-related services, including identifying available community health and social resources and services and making arrangements for transportation for the purpose of obtaining such resources and services. *Id.* § 2.3 R.7(c)(3).
13. The PRH requires that "[p]regnancy-related services must include information on the options of continuing or terminating the pregnancy." PRH § 2.3 R.7(d).

14. Unless a student wishes to rely on a friend or family member, the PRH requires centers to provide transportation to and from off-center medical appointments, including medical appointments for the purpose of terminating a pregnancy. PRH §§ 2.3 R.7(c)(3), 6.7 R.9(d).
15. The services described in PRH § 2.3 R.7 are required to be provided for the duration of the pregnancy, and abortion-related services are not limited to the period prior to a fetal heartbeat being detected.

Implications of S.B. 8 for Job Corps Program Operations in Texas

16. There are four Job Corps centers located in the state of Texas, each operated by a private entity under a contract with DOL (hereinafter “Texas Job Corps Contractors”):
 - a. The David L. Carrasco Job Corps Center, operated by Odle Management Group and located in El Paso, Texas;
 - b. The Gary Job Corps Center, operated by Adams and Associates and located in San Marcos, Texas;
 - c. The Laredo Job Corps Center, operated by Strategix Management and located in Laredo, Texas; and
 - d. The North Texas Job Corps Center, operated by Serrato Corporation and located in McKinney, Texas.
17. At full capacity, the four Job Corps centers in Texas have the ability to serve 2,632 students. The centers are currently at a reduced capacity due to the COVID-19 pandemic. There are currently 626 students enrolled at these four centers, with 303 of these students residing on site. Job Corps began virtually enrolling students in May 2021; since May 25, 2021, 244 students have virtually enrolled at the Texas Job Corps Centers. Contingent on the improvement of COVID-19 pandemic conditions in Texas, these students will transition into

on-site participation. As a result, the number of students will be steadily increasing over the next three months as centers return more students to campus.

18. In accordance with Job Corps' requirements, Texas Job Corps Contractors must provide counseling on the option of abortion and/or transportation to an abortion to any Job Corps enrollees they learn are pregnant.
19. The four centers in Texas have provided family planning services to over 100 students over the past three years, including transportation to access such services. That number likely would have been higher had the pandemic not decreased the number of students in the program and on site since March 2020.
20. If pregnancy-related services required under the PRH are unavailable in Texas, Texas Job Corps Contractors must locate such services in another state, advise the enrollee of the availability of such services, and provide transportation for the student to obtain those services, if requested.
21. To the extent that abortions are unavailable in Texas for students seeking to terminate their pregnancies after a fetal heartbeat has been detected, the centers in Texas will need to provide transportation for students outside of Texas in order to comply with their obligations under the PRH. For the Carrasco Job Corps Center, it will cost between \$800 (for car transportation) and \$2,000 (by air) to transport an enrollee to the nearest, out-of-state abortion provider, including labor and transportation costs. For the Gary Job Corps Center, it will cost between \$335 (by car) and \$965 (by air) to transport an enrollee to obtain abortion services; for North Texas, between \$350 (by car) and \$532 (by air); and for Laredo, transportation expenses will be approximately \$522.

22. All of the Texas Job Corps Contractors have indicated to DOL that they intend to continue complying with their contractual obligations with respect to the provision of abortion-related counseling and transportation services.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

EXECUTED at Washington, D.C., on this 14th day of September, 2021.

Patrice Rachel Torres

Digitally signed by Patrice Rachel
Torres
Date: 2021.09.14 14:47:12 -04'00'

Patrice Rachel Torres
Administrator
Office of Job Corps
Employment and Training Administration
U.S. Department of Labor